

Ref.: 02-26-2020/DG-11
26 February 2020

Patrick Masambu
Director General &
Chief Executive Officer

The Honorable Chairman Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Expanding Flexible Use of the 3.7 to 4.2 GHz Band; GN Docket No. 18-122

Dear Chairman Pai:

This letter is submitted on behalf of the International Telecommunications Satellite Organization ("ITSO") in connection with the Commission's upcoming consideration this Friday of a proposed Report and Order and Proposed Order of Modification in GN Docket No. 18-122, Expanding Flexible Use of the 3.7 to 4.2 GHz Band.¹

ITSO has previously participated in this proceeding as well as a prior related proceeding, through its submission of a letter in General Docket No. 17-183 on November 14, 2017, and of Reply Comments in this proceeding on July 18, 2019 (copies attached hereto). In both submissions, ITSO raised significant issues regarding the need to reconcile the actions that the Commission is now contemplating with the obligations of the United States under the ITSO Agreement.

I refer specifically to the important responsibilities that the United States has assumed in conjunction with Intelsat's restructuring in 2001. These include its designation as the responsible Notifying Administration for the vast majority of the ITSO Parties' Common Heritage frequency assignments and associated orbital locations, including all frequency assignments in the 3.7-4.2 GHz band, which had been entrusted to the United States and which served as the basis upon which the Commission was able to license those frequency assignments and associated orbital locations for use by the privatized Intelsat.

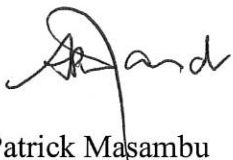
¹ This ex parte letter is timely submitted, consistent with the provisions of Section 1.1204(a)(4) which from the Sunshine Agenda period prohibition presentations that involve "foreign affairs function of the United States."

Additionally, as ITSO stated in its Reply Comments, the Commission needs to consider the effect of its actions on any resulting reduction in the value of the ITSO Parties' Common Heritage. This includes providing for appropriate compensation in the form of financial remuneration, in order to safeguard ITSO's ability to continue supervising Intelsat's adherence to the Core Principles set forth in the ITSO Agreement.

With Commission action on this matter now scheduled to occur later this week, ITSO remains extremely concerned that the issues it has raised have not been taken into account by the Commission, nor does it appear that the decisions that will be taken on Friday would in any way address these concerns.

ITSO remains hopeful that an opportunity will still be present that will enable it to work with Commission in an effort to ensure that these concerns are appropriately addressed. At the same time, given the current circumstances, I have no choice but to inform you that I feel obligated to bring this matter to the attention of the upcoming meeting of the ITSO Assembly of Parties, to be held in April 2020.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'P. Masambu', with a stylized flourish at the end.

Patrick Masambu
Director General
International Telecommunications Satellite Organization

Attachments

Letter to Chairman of FCC, dated November 14, 2017

Reply Comments of ITSO, dated July 18, 2019



Patrick Masambu
Director General and
Chief Executive Officer

14 November 2017
Ref: 11-14-17/DG-50

The Honorable Chairman Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: *Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 4.2 GHz* GN Docket
No. 17-183**

Dear Chairman Pai:

The International Telecommunications Satellite Organization ("ITSO") is pleased to submit this letter in response to the Federal Communications Commission's Notice of Inquiry in the above-referenced docket.

ITSO notes the important responsibilities under the terms of the ITSO Agreement that the United States has taken on, as part of the Intelsat restructuring process. These include its designation as a Notifying Administration for the ITSO Parties' Common Heritage Assets, consisting of the Common Heritage orbital locations and associated frequencies, and the significant role of the Federal Communications Commission in safeguarding those Assets.

A core element of ITSO's mission is to ensure that Intelsat adheres to the Public Service Obligations set forth in the ITSO Agreement, and in so doing properly utilizes the Parties Common Heritage Assets to continue its provision of public telecommunications services, including voice, data and video, on a global and non-discriminatory basis. Having reviewed the joint proposal of Intelsat and Intel Corporation submitted in this proceeding from this perspective, ITSO shares the sentiment expressed therein that the Commission adopt a "sound policy approach that avoids unnecessary disruption to existing licensed C-band satellite operations" in the 3.7-4.2 GHz band, so as to ensure continued "protection of existing services, such as video programming distribution and service to rural areas that rely heavily on satellite." *Joint Comments of Intelsat License LLC and Intel Corporation*, GN Docket No. 17-183, at 5.

At this stage in the proceedings, ITSO welcomes the spirit in which the joint Intelsat-Intel proposal was put forward, as a means to consider the important policy issues that have been raised in this proceeding. Further analysis of the proposal must specifically take into account Intelsat's ability to continue to fulfill its Public Service Obligations under the ITSO Agreement and the United States' ability to discharge its obligations as a Notifying Administration under the ITSO

Agreement. Moreover, it is necessary to consider any operational and technical effects that such an approach could have on the provision of satellite services in other countries around the world.

ITSO looks forward to working with the Commission through the next stages of this proceeding to ensure preservation of the key objectives identified above.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. R. and" with a stylized flourish at the end.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Expanding Flexible Use of the 3.7 to 4.2)	GN Docket No. 18-122
GHz Band,)	
)	RM-11791
)	RM-11778
)	

**REPLY COMMENTS OF THE INTERNATIONAL TELECOMMUNICATIONS
SATELLITE ORGANIZATION (ITSO)**

These Reply Comments are submitted on behalf of the International Telecommunications Satellite Organization (ITSO). ITSO has previously provided its initial views on the matters under consideration in this proceeding in a letter dated November 14, 2017, submitted in GN Docket No. 17-183, Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 4.2 GHz.

ITSO's interest in this proceeding arises from its unique role and responsibilities with respect to the protection of the Common Heritage frequency assignments associated with orbital locations of the Parties to the ITSO Agreement, which were made available for use by Intelsat in connection with the INTELSAT restructuring process that occurred in 2001. ITSO has an overriding obligation to ensure that these important Common Heritage resources are not diminished in a manner inconsistent with the broader objectives contained in the ITSO Agreement.

Those Common Heritage frequency assignments include the full 500 MHz of C-band capacity that is now the subject of this proceeding. These frequency assignments associated

with orbital locations were made available to Intelsat premised on the assurance that they would be utilized by Intelsat in order to fulfill its obligation to meet the three Core Principles set forth in the ITSO Agreement, and over which ITSO was given a specific supervisory responsibility. These Core Principles (which Intelsat is obligated to meet) are: (1) to maintain global connectivity and global coverage; (2) to serve its lifeline connectivity customers; and (3) to provide non-discriminatory access to the Company's [Intelsat's] system.

Of the nineteen orbital locations that today comprise the Parties Common Heritage, thirteen of those orbital locations cover a portion of or the entirety of the CONUS United States, and are available for the provision of regional and international telecommunications services. As should be apparent, any reduction in the ability of satellites deployed at those orbital locations to utilize the full allocation of C-band downlink frequencies would have a profound impact not only on current but also the future provision of regional and international public telecommunications services from those locations by Intelsat or by other entities that may in the future be authorized to utilize the ITSO Parties' Common Heritage.

These concerns are not new. While the Common Heritage frequency assignments associated with orbital locations made available to Intelsat are at the core of ITSO's concerns, ITSO has an equally strong interest in assuring that the continuing access to critical C-band spectrum by all satellite systems providing public international telecommunications services to the countries of the world is not impaired. Indeed, many ITSO Parties were in fact actively involved in prior efforts undertaken to protect C-band spectrum from attempts to reallocate that spectrum for non-satellite use. Moreover, ITSO's very existence derives in large measure from Resolution 1721 (XVI) of the General Assembly of the United Nations, which is intended to

ensure that communications by means of satellites should be available to the nations of the world as soon as practicable on a global and non-discriminatory basis.

Going hand-in-hand with the ITSO's supervisory role under the ITSO Agreement are the accompanying important responsibilities that the United States has assumed in conjunction with Intelsat's restructuring. These include its designation as the responsible Notifying Administration for the vast majority of the ITSO Parties' Common Heritage frequency assignments and associated orbital locations, including all frequency assignments in the 3.7-4.2 GHZ band, which had been entrusted to the United States and which served as the basis upon which Federal Communications Commission was able to license those frequency assignments and associated orbital locations for use by the privatized Intelsat.

At the same time, ITSO is certainly fully aware of the competing pressures for spectrum access that are at the core of this proceeding and the difficult issues those competing interests have raised. That is why ITSO, in its previous submission, urged that the Commission adopt a sound policy approach that avoids unnecessary disruption to existing licensed C-band satellite operations in the 3.7-4.2 GHz band.

For that very reason, ITSO strenuously disagrees under any circumstances with any proposal predicated on the forced relinquishment by satellite operators, including in particular Intelsat, of the entirety of the 500 MHz C-band allocation for downlink C-band purposes. To do so, at least with respect to Intelsat's use of the frequency assignments associated with orbital locations made available to it as part of the INTELSAT restructuring process, would directly contravene the broader responsibilities that the United States accepted in becoming a Notifying Administration under the ITSO Agreement. Thus, whatever approach is ultimately adopted by

FCC, it is essential that any potential adverse impact on the provision of public international telecommunications services be minimized.

The one remaining open issue is how best to fashion proper assurance that, under whatever approach is ultimately adopted by the FCC, Intelsat will continue to be able to fulfill its Public Service Obligations under the ITSO Agreement and the United States will continue to honor its obligations as a Notifying Administration under the ITSO Agreement. In this regard, it will be incumbent upon the FCC to ensure that any action taken is consistent with its international obligations under the ITSO Agreement. The FCC must also ensure that any resulting reduction in the value of the ITSO Parties' Common Heritage is appropriately compensated, by requiring some form of financial remuneration in order to strengthen ITSO's ability to continue to supervise Intelsat's adherence to the Core Principles going forward, including ITSO's support for developmental programs and activities that would be undertaken in furtherance the objectives of the Core Principles.

ITSO continues to look forward to working with the Commission as this matter proceeds to ensure the preservation of the key objectives identified above.

Respectfully submitted,

/s/ Patrick Masambu

Patrick Masambu

Director General and Chief Executive Officer

International Telecommunications Satellite Organization (ITSO)

July 18, 2019